

1. We are disappointed that our previous representation has been dismissed by the applicants and that the Society's concern that insufficient information has been provided to fully scope compliance with the land use allocations and guidance set out in Policy MU6 has been ignored. In rejecting this they state: -

*"It is highlighted that Map 6.6.6 from the BFLP outlines the development concept for the land at Lady Dane Farm, but there is no requirement in the policy to adhere to this".*

This begs the question what is the point of a considered assessment of unit numbers on any mixed-use site allocated in the local plan? We are staggered that it can be considered that the massive increase in the scale of housing numbers proposed over the MU6 policy allocation, rising from 260 to 438 (64.5%), cannot be significant. How can this be so casually dismissed?

This increase is substantial and as such represents a material consideration. We consider that the application should be refused on the grounds of overdevelopment and non-compliance in terms of spatial policy and guidance for the allocation of public open space, amenity and employment land.

Policy MU6 of the BFLP states that *"planning permission will be granted for mixed-uses, comprising 20,000 sqm of B Class employment, approximately 260 dwellings, open space and landscape enhancement on the land to the east of Love Lane".*

The proposed development will provide 63% of the policy requirement for Class E (employment) development. In addition, whilst the care home does not fall under Use Class E, it would provide a substantial employment provision (approximately 40 FTE) and if this were to be included in the overall proposed employment floorspace, it would equate to 84% of the MU6 policy requirement. This has been informed by an extensive market assessment undertaken by local experts Harrisons which looked at the type of employment that is appropriate, viable and deliverable for the site. The employment floorspace put forward, is supported by genuine interest from future occupiers, as demonstrated to Swale Borough Council (SBC) throughout the life of the application.

Furthermore, SBC accept that it is currently unable to provide a five-year supply of deliverable housing sites – the delivery of 154 dwellings as part of the proposed development will therefore make a substantial contribution to meeting SBC's housing needs, which should be viewed as a significant benefit. The provision of a policy compliant level of affordable housing, and an 80 bed care home, will also make substantial contributions to meeting unmet affordable housing and care needs.

The proposed development provides a clear opportunity to make efficient use of an existing allocation – increasing the flexibility of commercial uses on the site, whilst ensuring deliverable uses, open space, new homes, and a care home, in an appropriate location on the immediate edge of Faversham, adjacent to existing housing development and infrastructure. This, in turn, would alleviate pressure on the sites within the Borough that fall within important landscape or biodiversity areas such as the Area of Outstanding Natural Beauty.

2. We have also identified a flaw in the application which we believe will compel withdrawal or significant amendment/resubmission of the scheme.

The applicants state in the DAS that the site is predominantly arable land. They are silent on the use of the subservient land. We have identified this use by overlaying the built footprint for the application site over the approved plan (to the north) for the Crest Nicholson scheme (18/501408/REM). (Appendix 1)

It can be seen from the crosshatched lines that the subservient use approved is Public Open Space and Amenity land. This land is protected by the following policies in the Local Plan: -

CP6 2 - (Safeguarding existing community services and facilities)

CP7 8e - (providing new recreational facilities in accordance with Policy DM17 of the local plan)

Clause 9.3 in Schedule 1 of the S106 Agreement dated July 2020 also protects the position and states: -

*'The Owners shall not dispose or transfer the Landscape Areas and Open Spaces without the consent of the Council other than (following completion of the Open Space Works) to the Council at nil value'.* This clause is common in S106 agreements and is inserted by the council to secure the long-term stewardship and use of non-remunerative land.

The council would be breaching their duty of care to the community if they were to release the burden of this covenant to enable development on this land in the event the application is approved by the planning committee or at appeal. In the light of this the application is flawed and applicants may wish to consider amending the application to exclude the area of this public open space.

Outline permission (SW/14/0045) allowed for a mixed-use development comprising a business park, pub/restaurant, health centre, 196 residential dwellings, open space including sports pitches, amenity open space and parkland, roads, allotments, and a traveller site.

The Reserved Matters (RM) application (18/501048/REM) pursuant to the outline permission, related to the residential parcel only – this was clear in the approved development brief, the RM application submission itself (see paragraph 1.14 of the Planning Statement for that application which stated that the detail will come forward as part of a subsequent condition) and the condition applications that have subsequently been approved.

The updated s106 for the outline application (signed 3<sup>rd</sup> July 2020) is also clear where the Crest title boundary is and shows the open space / cricket pitch land excluded – see extract below.



As no further RM applications have come forward for this element of the site, this element of the Outline planning permission has since expired.

Notwithstanding this, proposed development under the current application will retain this space for open space and sports provision. The submitted masterplan shows the provision of football pitches on the site, which is based on the understood need – for example Faversham Strike Force have a sizeable waiting list to join – and further detail will be submitted as part of a future Reserved Matters application and Fernham Homes will liaise with the relevant stakeholders to deliver the required sports provision.

3. Our previous objection to the loss of allocated employment land on the grounds of prematurity is sustained. We are concerned though that at the applicant's suggestion that potential jobs could be lost if certainty cannot be delivered by the grant of consent for the outline application. May we suggest that a compromise could be reached by taking the opportunity of any replan to address point 2 above. The redline boundary could be amended to only embrace the land required for these employment, nursery and care home users and their access.

Please refer to the above response at point (1) above which outlines that the proposals have been informed by an extensive market assessment undertaken by local agents Harrisons. As part of the application, Fernham Homes have instructed Marrons Planning to assess job creation as part of the proposed development – this confirms that the direct jobs to be created through the proposed development is only 9% less than would be through the deliverable forms of employment in line with policy MU6 of the BFLP.

In addition, SBC's Economic Development Team have confirmed throughout the life of the application that the employment space mix, envisaged within the BFLP is unlikely to come forward.

As previously mentioned, the employment uses are supported by genuine interest from future occupiers, as demonstrated to SBC throughout the life of the application.